

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:
Gary Piaget et al.
Application No. 10/789,294
Filed: February 26, 2004
For: EXERCISE DEVICE WITH TREADLES

Confirmation No.: 7642
Art Unit: 3764
Examiner: Crow, Stephen R.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
(Under 37 C.F.R. § 1.97(d), § 1.97(e)(1), § 1.97(e)(2), and § 1.98)

Sir:

The Examiner is requested to consider the references noted on the enclosed PTO/SB/08A during examination of the above-identified patent application. The references are submitted for the Examiner's consideration and are submitted pursuant to the duty of disclosure under 37 C.F.R. § 1.56. In submitting the references, no representation is made or implied that the references are or are not material to the examination of the application. The Examiner is encouraged to make his or her own determination of materiality. Pursuant to 37 C.F.R. § 1.98(a)(2)(i), copies of the U.S. patent references are not provided, unless required by the Office. Copies of the foreign patent documents are provided herewith.

Chinese publication No. 2510102Y is not in the English language. Therefore, in compliance with 37 C.F.R. § 1.98(a)(3)(i), an English translation of the abstract and the claims is attached to this reference, which is enclosed, to satisfy the requirement for a concise explanation of relevance. The figures are substantially similar to US 6,461,279, having the same inventor, and which has already been cited in the instant application.

Chinese publication No. 2675190Y and Taiwan publication Nos. 515306Y and M249682 are not in the English language. Therefore, pursuant to 37 C.F.R. § 1.98(a)(3)(i), any information disclosure statement filed under 37 C.F.R. § 1.97 shall include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 C.F.R. § 1.56(c) most knowledgeable about the content of the information, of each patent,

publication or other information listed that is not in the English language. The concise explanation may be either separate from the specification or incorporated therein.

Chinese publication No. 2675190Y appears to disclose an exercise machine having dual treadles pivoted at the rear. Shock absorbers appear to be attached between the treadles and the frame, below each treadle. A single shaft appears to be disclosed. Rolling links are disposed between the treadles and the frame to move in a reciprocating manner as each treadle moves up and down. A variety of shock positions are shown.

Taiwan publication No. 515306Y appears to disclose a treadmill having dual treadles and a motor for driving the treadles, as well as a shock extending between each upright and each treadle for supporting the treadles, and an interconnect structure between the treadles. Figures are substantially similar to US 6,461,279, having the same inventor, and which has already been cited in the instant application.

Taiwan publication No. M249682 appears to disclose an exercise machine having dual treadles pivoted at the rear. Shock absorbers appear to be attached between the treadles and the frame, below each treadle. A single shaft appears to be disclosed. Rolling links are disposed between the treadles and the frame to move in a reciprocating manner as each treadle moves up and down. A variety of shock positions are shown.

The references cited and marked with an asterisk (*) on the enclosed PTO/SB/08A were cited in a European Supplementary Search Report dated May 24, 2007 of related European application No. 04 71 5796.1. A photocopy of the European Supplementary Search Report is enclosed herewith. U.S. patent Nos. 5,626,539 and 5,669,856 and United States publication No. 2001/0016542 A1 cited in the European Supplementary Search Report are not cited in the enclosed PTO/SB/08A, because they were previously cited in the Information Disclosure Statement filed with the Office on November 15, 2005. Also, U.S. patent Nos. 5,336,146 and 6,461,279 B1 cited in the European Supplementary Search Report are not cited in the enclosed PTO/SB/08A, because they were previously cited in the Notice of References Cited (PTO-892) dated May 18, 2005.

Statement Under 37 C.F.R. § 1.97(e)(1)

The undersigned hereby certifies that references cited and marked with an asterisk (*) on the enclosed Form PTO/SB/08A were cited in a communication from a foreign patent office in a corresponding foreign application not more than three months prior to the filing of this Supplemental Information Disclosure Statement.

Statement Under 37 C.F.R. § 1.97(e)(2)

The undersigned hereby certifies that references cited and not marked with an asterisk (*) in the enclosed Form PTO/SB/08A were not cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the enclosed Form PTO/SB/08A was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Supplemental Information Disclosure Statement.

This Supplemental Information Disclosure Statement is filed after the period specified in 37 C.F.R. § 1.97(c), concurrently with the payment of the issue fee. As such, this Supplemental Information Disclosure Statement requires a statement under 37 C.F.R. § 1.97 (e)(1) and § 1.97 (e)(2) and the fee of \$180.00 pursuant to 37 C.F.R. § 1.17(p). Please charge \$180.00 to Deposit Account no. 04-1415 for the Information Disclosure Statement fee. The Applicant believes no further fees or petitions are required. However, if any such petitions or fees are necessary, please consider this a request therefor and authorization to charge Deposit Account No. 04-1415 accordingly.

If the Examiner has any questions, please contact the undersigned attorney.

Dated: 8/13/07.

Respectfully submitted,


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Enclosures

USPTO Customer No.: 20686

PTO/SB/08A and PTO/SB/08A B (04-07) U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Substitute for Forms 1449A/PTO and 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		APPLICATION NO.:	FILING DATE:
		10/789,294	February 26, 2004
		FIRST NAMED INVENTOR: Gary Piaget et al.	ART UNIT: 3764
		EXAMINER NAME: Crow, Stephen R.	ATTY. DOCKET NO.: 2071/US/2

U.S. PATENT DOCUMENTS

EXAMINER INITIALS*	Cite No.¹	PATENT NUMBER	ISSUE DATE	Name of Patentee of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number – Kind Code ² (if known)	MM-DD-YYYY		
		347,101	08/10/1886	Ferry	
		834,461	10/30/1906	Fair	
		1,652,102	12/06/1927	Elmer et al.	
		2,661,973	12/08/1953	Sweger	
		2,941,834	06/21/1960	Appleton et al.	
*		5,709,632	01/20/1998	Sowell	

FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS*	Cite No.¹	DOCUMENT NUMBER	PUBLICATION DATE	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T⁶
		Country Code ³ – Number ⁴ – Kind Code ⁵ (if known)	MM-DD-YYYY			
		CN 2510102 Y	09/11/2002	Hai Bin, Guo		
		CN 2675190 Y	02/02/2005	Alimei Ind. Corp.		
		TW 515306 Y	12/21/2002	Hai-Bin, Guo		
		TW M249682	11/11/2004	Alilife Technological Co. Ltd.		
*		WO 01/58534 A1	08/16/2001	Millennial Fitness, LLC		

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

EXAMINER INITIALS*	Cite No.²	Include name of Author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T³

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

The references cited and marked with an asterisk (*) above were cited in the Supplementary European Search Report dated May 24, 2007, of related European application No. 04 71 5796.1.

¹ Applicant's unique citation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁵ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁶ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.